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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

No. CV

00-07903

19 UPPER SAN GABRIEL VALLEY
20 MUNICIPAL WATER DISTRICT;
ANTHONY R. FELLOW (Division 1),
21 FRANK F. FORBES (Division 2)
KENNETH R. MANNING (Division 3)
22 R. WILLIAM "BILL" ROBINSON
(Division 4)
23 MARVIN JOE CICHY (Division 5),
Members of the Board of Directors
24 for the Upper San Gabriel
Valley Municipal Water District,
25 CONNY B. McCORMACK, Los Angeles
County Registrar-Recorder/
26 County Clerk

27 Defendants.
28

COMPLAINT FOR VIOLATION
OF VOTING RIGHTS ACT

[42 U.S.C § 1973]

AHM (BQ)

1 The United States of America, plaintiff herein, alleges:

2 1. The Attorney General files this action on behalf of the
3 United States pursuant to Sections 2 and 12(d) of the Voting
4 Rights Act of 1965, as amended, 42 U.S.C. § 1973, and 42 U.S.C.
5 § 1973j(d).

6 2. This Court has jurisdiction of this action pursuant to 42
7 U.S.C. § 1973j(f), and 28 U.S.C. § 1345.

8 3. Section 2 of the Voting Rights Act of 1965, as amended,
9 42 U.S.C. § 1973, prohibits the enforcement of any voting
10 qualification or prerequisite to voting or any standard, practice
11 or procedure that results in the denial or abridgement of the
12 right to vote on account of race or color.

13 4. Defendant Upper San Gabriel Valley Municipal Water
14 District ("Upper District") is a legal subdivision of the State
15 of California and exists under the laws of that state.

16 5. Defendant Upper San Gabriel Valley Municipal Water
17 District is a municipal water district comprised (in whole or in
18 part) of twenty-two cities and two unincorporated areas within
19 the County of Los Angeles, established by the laws of the State
20 of California.

21 6. The Upper District Board of Directors consists of five
22 members. Defendants Anthony R. Fellow, Frank F. Forbes, Kenneth
23 R. Manning, R. William "Bill" Robinson, and Marvin Joe Cichy are
24 the current members of the Upper District Board of Directors.
25 All five Directors are residents of their respective Divisions
26 and each Director is sued in his official capacity.

27 7. Defendant Conny B. McCormack is the Registrar-Recorder of
28 Los Angeles County and is responsible for the conduct of

1 elections in the County of Los Angeles, including elections for
2 positions on the Board of Directors for the Upper San Gabriel
3 Valley Municipal Water District. Ms. McCormack is sued in her
4 official capacity.

5 8. According to the 1990 Census data used by the Upper
6 District to redistrict in 1992, the total population of the
7 District is 790,797, of whom 367,640 (46.49%) are Hispanic,
8 275,108 (34.79%) are White (non-Hispanic), 120,418 (15.23%) are
9 Asian, and 23,818 (3.01%) are Black.

10 9. The Upper District is governed by a five-member Board of
11 Directors as required by state law. The Directors are elected in
12 non-partisan elections from five single-member Divisions to four
13 year terms. Staggered terms are used and a plurality win system
14 is in effect. The next election will be held on November 7,
15 2000, in Divisions 2, 3, and 4.

16 10. The Hispanic population of the Upper District is
17 sufficiently numerous and geographically compact such that a
18 properly apportioned single-member district plan for electing
19 Directors can be drawn in which Hispanic citizens would
20 constitute a majority of the citizen voting age population in
21 two of the five Divisions.

22 11. Hispanic voters in the Upper District are politically
23 cohesive. Racially polarized voting patterns prevail in
24 elections for the Upper District Board of Directors. In contests
25 between Hispanic and white candidates for the Board, Hispanics
26 consistently vote for Hispanic candidates and non-Hispanics vote
27 sufficiently as a bloc to usually defeat the Hispanic voters'
28 candidates of choice.

1 12. Although nine Hispanic candidates have run for Upper
2 District Director positions in four of the five Divisions, no
3 Hispanic person has ever been elected to the Upper District Board
4 in its 40 year history.

5 13. In the forty-year history of the Upper District, there
6 have been twenty members of the Board of Directors, eight of whom
7 were first appointed rather than elected to that office. No
8 Hispanic person ever has been appointed to the Upper District
9 Board of Directors.

10 14. Until 1989, the California general law governing
11 municipal water districts provided that an incumbent Director who
12 was unopposed for reelection would be appointed automatically to
13 a new term without his or her office appearing on the election
14 ballot. Similarly, California law authorizes appointment in lieu
15 of election in order to fill vacancies. For the twenty-two year
16 period from 1964 through 1986, with one exception in 1970, all
17 candidates for the Upper District Board of Directors were
18 unopposed and did not appear on the ballot. Similarly, during
19 that same period of time, every vacancy was filled by
20 appointment. These practices and procedures operated to minimize
21 the opportunity for Hispanic citizens to participate effectively
22 in Upper District elections.

23 15. The configuration of the current election Division
24 boundaries within the Upper District has the effect of diluting
25 Hispanic voting strength resulting in Hispanic citizens being
26 denied an effective ability to participate in the electoral
27 process and to elect candidates of their choice. In devising the
28 post-1990 census boundaries of the five Divisions, the defendant

1 Upper District fragmented the Hispanic population concentration
2 primarily by dividing predominantly Hispanic areas and placing
3 them in separate Divisions, primarily among Divisions 1, 4, and
4 5, with the result that Hispanics do not constitute a citizen
5 voting-age majority in any of the five Divisions. The plan
6 perpetuates prior fragmentation of the Hispanic population within
7 the Upper District.

8 16. Hispanics in Los Angeles County have, historically, been
9 the victims of official discrimination perpetrated by the State
10 of California and the County of Los Angeles. Such discrimination
11 has included discrimination touching on the right of Spanish-
12 speaking and other language minorities to register, vote, and
13 participate in the political process.

14 17. Hispanic persons in the Upper District bear the effects
15 of past discrimination in areas such as education, employment,
16 and housing, as reflected in their depressed socioeconomic status
17 relative to white Upper District residents. These effects of
18 past discrimination hinder the current ability of Hispanics to
19 participate effectively in elections in the Upper District.

20 18. Under the totality of the circumstances described in
21 paragraphs 10 to 17, the election plan for the Upper District
22 results in the denial or abridgment of the right to vote of
23 Hispanic citizens in violation of Section 2 of the Voting Rights
24 Act, 42 U.S.C. § 1973, as amended.

25 19. The defendant Upper District has the authority pursuant
26 to state law to remedy the fragmentation of Hispanic voting
27 strength that was occasioned by the 1990 redistricting. The
28 defendants have failed to take action necessary to allow Hispanic

1 citizens a fair opportunity for equal political participation and
2 thus an order of this court is necessary to obtain compliance
3 with federal law.

4 20. Unless enjoined by Order of this Court, defendants will
5 continue to conduct elections for the Upper District using the
6 current electoral scheme in violation of Section 2 of the Voting
7 Rights Act, 42 U.S.C. § 1973.

8 WHEREFORE, the United States prays that the Court enter a
9 judgment:

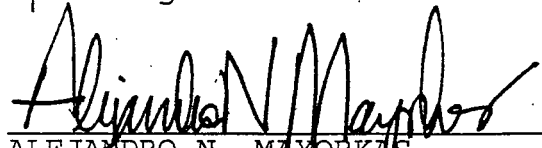
10 (1). Declaring that the existing districting plan for the
11 Upper District violates Section 2 of the Voting Rights Act:

12 (2) Enjoining the defendants, their agents and successors in
13 office, and all persons acting in concert with any of them, from
14 administering, implementing, or conducting any future elections
15 for the Upper District under the current districting plan;


16 (3) Ordering defendants to devise and implement a district
17 plan for the Upper District which complies with Section 2 of the
18 Voting Rights Act, 42 U.S.C. § 1973; and

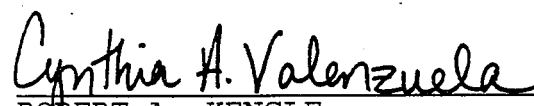
1 (4) Ordering such additional relief as the interests of
2 justice may require, together with the costs and disbursements in
3 maintaining this action.
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